App F IX 4

Previous References 1941 (ML) ML File No 55 — 41
Serial Nos 5, 6

Later References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos Two

Part B for November 1941

SUBJECT

Re-instatement of one K S Siddachari who had been reduced to menial rank to his original post of Acting Action Superintendent Tenkasi Town Municipality

To The D.C Madura
L 3531 Dt 6-11-41
Sanctions the —

9/12/41

Serial No

Letter no M2-3734/40 41 dated 13 9 41 from the Deputy Commissioner, Kadur Dist- recommending that- one K Siddachari, Acting Office Inspector, Tarikere Municipality, who was reduced as a measure and posted to N R pura Mpty on account of his alleged mis-conduct- in an Office Smuggling Case, may for the reasons stated, be restored to his previous post-

1) The findings of the President, Tarikere Town Mnl Cl (S D O Tarikere is the ex-officio President of this Municipality) in the case in which Siddachari was found to have misbehaved are set-forth on page flagged 'D'

2) The orders of the then Dy Comr on the report of the President Tarikere Town Mpty are contained on page flagged 'E'

3) The opinion of the D C Kadur Dist- with regard to the conduct of Siddachari in the case in question is furnished on the page flagged B and he thinks that no definite charge has been proved against the official and the punishment meted out is too severe He has therefore recommended that the ~~Petitioner~~ Siddachari may be reinstated with effect-

NOTL—Contn Sheet

Reinstatement of K Siddachara, Ex. octroi Inspr of Tarikere Municipality

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ML 4 File No of 1941 | General and Revenue Secretariat

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if possible, from the date of reversion and transferred to some other place with a warning not to give room for complaints of misbehaviour

Submitted for orders

(Sd) 7/10/1941

The orders of the present DC dated 7 10 1940 are flapped B

In reasons mentioned therein, he recommends that the appellant - K Siddachari, acting octroi Inspector Tarikere and R2 P.T. may be reinstated, in modification of the orders passed by Mr Ismail then, the previous DC reducing him as a menial posting him to Narasimharajapura

The recommendation is for orders

Law Secy 25 x 41

E

SECY LEGISLATIVE DEPT
27 OCT 1941
GOVT OF MYSORE

5) In Oct 40, the DC passed an order reverting Siddachari, acting octroi Inspector and posting one Gulam Mohamed to his place The present DC has recommended that Siddachari may be reinstated with a warning and transferred to another place, as in his opinion no definite charge had been

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Serial No

proved against the official The D C's note explains the facts in detail The recommendation of the D C may be approved and K Siddachari may be reinstated as an octroi Inspector However, this re-instatement can take effect only from the date of the G O and not retrospectively

Minister L S G

Hm 2 31/10/41

The D C's recommendation Sanctioned

31 10 41

Hm 2 3/11/41

Submitted with a draft letter to the Dy Comm, Kadur

4 11 41

4/11/41

To the Dy Comm No L 35-31 dt 6-11-41 Approved the recommendation of the Dy Comm Kadur

FICE OF THE MINISTER FOR L S G & P H
Date 31-10-41
No 2547

TYPING SECTION 5 NOV 1941 RFN REV SECTT

NOTE—Contn Sheet

WD 02220—GPB—1 000—22 2 37

1763

No.M2-3734/40-41. Office of the Deputy Commissioner,
Enc file. Kadur District,
Chicknagalur, dated, the 13th September, 41.

From

C.E.Noronha, Esquire., M.A.,

Deputy Commissioner,
Kadur District.

SECY LAW DEPT
18 SEP 1941
TO
GOVT OF MYSORE

H.V.Narayana Rao, Esquire., B A, LL.B.,

Secretary to Government,
Law Department,
Bangalore.

Sir,

Regarding the representation of K.Siddachari -
Ex-Octroi Inspector, Tarikere.

I have the honour to state that my predecessor in office Mr.Mohamed Ismail Sheriff ordered on 7-10-1940, that K.Siddachari, Acting Octroi Inspector, Tarikere on Rs 20/- may be reduced as a menial and posted to Narasimharajapura - Municipality on account of his alleged mis-conduct in an - octroi smuggling case. The facts of the case have been clearly stated by the President, Tarikere Municipal Council, in his Memo.dated 26-9-1940. The official having made a representation to me for reinstatement, I called for the records of inquiry, and on perusal, I am of opinion that no definite charge has been proved against the official for reasons noted in my order dated 27-8-1941. (copy of which is enclosed for perusal). But as the previous order has been passed by my predecessor, I submit the entire file of records, together with my note, for favour of obtaining the orders of Government in the matter.

I have the honour to be
Sir,
Your most obedient servant,

Deputy Commissioner,
Kadur District.

H.P R.

Case of K. Siddachari, late Octroi, Inspector, Tarikere.

.. . ..

The President's explanation only confirms my views that a grave injustice has been done to Siddachari. A "confidential departmental Enquiry" does not mean that it should be held behind the back of the Accused and that he should not not be given a chance to cross- examine the witnesses. It is not necessary for him to ask for that either. In a serious charge like this, it was a matter of common fairness to give the Accused every opportunity of defending himself and to come to a definite finding on the facts, instead of leaving the whole matter in a nebulous state and recommending the man for punish-- ment on mere suspicions and on mere complaints and his alleged previous bad history

Even his previous history, is as nebulous as the present case and is rather in favour of Siddachari. The President cites two instances, one at Birur and the other at Tarikere, and draws attention to complaints and to his remarks in the character book of the official and the fines imposed on him. As regards the Birur case, the fact is that on a recommendation of the President of the Birur Municipality(Mr T Shamanna) that the official should be "immediately transferred ", because, the municipal Councillors are complaining loudly against him, the then Deputy Commissioner, (Mr B. S. Raghavendra Rao) has ordered on the 16th July 1938 as follows " There is no meed to transfer him. He may remain there some time more. There is a good deal of smuggling of dutiable goods in Birur and it is desirable to have a reliable mutsaddi there". This is all in favour of Siddachari than otherwise As regards the Tarikere case, both he and the Sanitary Inspector were severely warned for an irregularity in allowing entry of dutiable articles without ∅ recovery of duty. There is no suggestion of any dishonesty here , but only neglect of duty. Further, the President himself says that though there were "complaints" at Tarikere, "no serious case was, however, proved against him."

As regards the "fines," the President furnishes a list of

of fines imposed from the 7th February 1940 to the 2nd August 1940 for certain delays in making a report replying to Audit Notes , for irregular seizure of goods, for irregularities noted in the Audit Notes and for not showing better progress in collection The total amount of the fines is Rs. 11/-, of which one item of Rs.5/- (for irregular seizure of goods) was later excused. There is nothing to show that any of these fines was imposed for dishonesty.

As regards the President's remarks in the Character book it is as follows, under date, the 30th October 1940 (that is about a month after the present case,) - " He knows his work well, but has to be watched carefully as he has a tendency to be at times untrustworthy." This again shows that the President himself was aware that the case in point was not at all proved against Siddachari and that he was only suspicious of his integrity Apart from this, the remarks in the book, of the other officers under whom the individual has worked from 1931 onwards, even including Mr. T. Shamanna(as President of the Birur Municipal Council, on the 28th February 1939) are generally in favour of Siddachari and do not impugn his character On the other hand, the President's report shows that after Siddachari came to Tarikere , he was responsible for an increase of Rs 1600/14- in Octroi and Rs 592-15-0 in "Mohatarfa" collections when compared with the corresponding periods of the year previous to his coming here. This is again, all to the credit of Siddachari That there was still a "complaint" that the collections "could have been much more if he had been as vigilant and diligent as he should have been" or that there was improvement in collection after the advent of the Chief Officer with a considerable increase of staff are no reasons for doubting the integrity of Siddachari Moreover, the President makes no reference to Siddachari's statement that he followed the procedure in vogue of collecting Octroi only on the dutiable articles, sold or consumed in the town, whereas the Chief Officer collected it, on all dutiable articles brought to the Chandy If this is a fact, it is also a point in favour of Siddachari.

On the whole, I am of opinion that no case of dihonesty

has been made out against Siddachari Judging from the records, his shortcomings seem to be that he is tactless and overbearing in his dealings with the public, and also perhaps somewhat slack in his work. For this, however, the punishment meted out is too severe. He should be reinstated with effect, if possible, from the date of reversion, and transferred to some other place, with a warning not to give room for complaints of mis-behaviour etc., In future, if any such complaints are received, they should be properly enquired into, giving him a full opportunity to defend himself.

Sd. C. E. Noronha,
Deputy Commissioner,
Kadur District.

"C o p y ."

16/9

For Deputy Commissioner,
Kadur District

No. L 3531/MK 55-41-6

6th November, 1941

Encl. records sent in a Regd. Cover

Law Department.

The Deputy Commissioner,
Kadur District,
Chikmagalur

Sir,

With reference to your letter No M_2-3734/40-41 dated 13th September 1941 recommending that one K.Siddachari, Acting Octroi Inspector, Tarikere Town Municipality who was reduced as a menial on account of his alleged misconduct in an octroi smuggling case, may for reasons given be reinstated with effect from the date of reversion, I am directed to convey the approval of Government to your recommendation in this behalf

The records - the service register and the character book - of the official accompany

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to Government,
Law Department.

Bs

Appendix F G—1]

SUBJECT

Section M
File No 55-41
Serial No IX 6

Diary No of letter replied to

No L 353/Estt: Records
To Revenue Secretary to Govt
The D C Kadur Dist-

General and Revenue Secretariat

( )

the *19*

Sir,

Date of issue 6th Nov: 41.

With reference to your letter no M2-3734/40-41 dated 13-9-41, recommending that one K Siddachari, Acting Octroi Inspr, Tarikere Town Muplty who was reduced as a menial on account of his alleged misconduct in an octroi smuggling case, may be reinstated, I am directed to state that ~~your recom-~~

Signed by Yr G. Ramachandra Rao

List of enclosures

Copied by

Examined by with effect from the date of reversion